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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

**IN RE TRANSPACIFIC PASSENGER
 AIR TRANSPORTATION
 ANTITRUST LITIGATION**

Civil Case No. 3:07-cv-05634-CRB

MDL No. 1913

**This Document Relates To:
 ALL ACTIONS**

**PLAINTIFFS' RESPONSE TO OBJECTOR
 AND CLAIMANT DAVID GOULD'S
 MOTION TO COMPEL PROMPT
 COMPLIANCE WITH SECOND
 DISTRIBUTION ORDER**

On April 23, 2025, in an ironic twist, Objector and Claimant David Gould moved the Court to order prompt compliance with the Order Granting Plaintiffs' Motion for Secondary Distribution of Remaining Settlement Funds and Request for Attorneys' Fees and Reimbursement of Expenses (ECF No. 1378) ("Secondary Distribution Order").

As this case docket reflects, Plaintiffs anticipated making a secondary distribution years ago—specifically, in the fall of 2022.¹ Along with Xanadu Corp.,² with whom Mr. Gould shared counsel, Mr. Gould delayed the secondary distribution for over two years, however, by first,

¹ Plaintiffs moved for a secondary distribution of the remaining settlement funds on August 8, 2022 (ECF No. 1347).

² Ultimately, Xanadu Corp. failed to "establish that it had any qualifying purchases" and "that it is a settlement class member." (ECF No. 1378 ¶ 2).

objecting to this distribution, which this Court overruled (ECF No. 1378); next, moving for reconsideration of the Court's order overruling his objection, which this Court denied (ECF No. 1385); then, appealing the Secondary Distribution Order and the order denying reconsideration, both of which the United States Court of Appeals for the Ninth Circuit affirmed;³ and finally, petitioning for a writ of certiorari, which the Supreme Court of the United States denied last fall.⁴ Mr. Gould and Xanadu Corp. are therefore exclusively responsible for delaying the secondary distribution from fall 2022 to fall 2024.

Plaintiffs respond to Mr. Gould's motion as follows: Almost immediately after the Supreme Court's denial of Mr. Gould's petition, Plaintiffs and the settlement administrator, Rust Consulting, Inc. ("Rust"), have been preparing for the secondary distribution to occur in mid-February 2025. Due to circumstances out of their control, however, this secondary distribution has been further delayed. Plaintiffs and Rust anticipate making this secondary distribution on or before July 1, 2025. Plaintiffs request the Court deny Mr. Gould's motion; no motion hearing is requested or required.

Dated: April 29, 2025

Respectfully submitted,

/s/ Elizabeth T. Castillo

/s/ Christopher L. Lebsack

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³ *In re Transpacific Passenger Air Transp. Antitrust Litig.*, No. 23-15118, 2024 WL 810703, at *1 (9th Cir. Feb. 27, 2024).

⁴ *Xanadu Corp., et al., v. Meor Adlin, et al.*, No. 24-96, 2024 WL 4427222 (U.S. Oct. 7, 2024).